

A U S T I N C I T Y C O U N C I L
AGENDA



Thursday, December 14, 2006

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**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 65

Subject: C14-06-0118 - 10th and Nueces Redevelopment - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 908-910 Nueces Street at West 10th Street (Shoal Creek Watershed) from multi-family residence-moderate-high density (MF-4) district zoning to central business district (CBD) district zoning. Staff recommendation To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation. To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Applicant: Richard G Harding and Michael J McGinnis Agent: Thrower Design (Ron Thrower). City Staff. Jorge E. Rousselin, 974-2975.

Additional Backup Material
(click to open)
 Staff Report

For More Information:

ZONING REVIEW SHEET**CASE:** C14-06-0118**P.C. DATE:** September 26, 2006
October 10, 2006
October 24, 2006**ADDRESS:** 908-910 Nueces Street at West 10th Street and 803 West 10th Street**OWNER:** Dr Alan C Baum**AGENT:** Thrower Design
(Ron Thrower)**REZONING FROM:** MF-4 (Multi-family residence- moderate high density)**TO:** CBD (Central Business District)**AREA:** 0.293 Acres (12,763.08sq. ft)**SUMMARY PC RECOMMENDATION:***October 24, 2006:***APPROVED STAFF'S RECOMMENDATION FOR DMU-CO ZONING WITH CONDITIONS OF; 2000 VEHICLE TRIP LIMIT; and ADDED CONDITIONS FROM THE NEIGHBORHOOD:**

- **THAT ANY PROJECT WITH A HEIGHT OF AT LEAST 50-FEET SHALL CONTAIN A MINIMUM RESIDENTIAL COMPONENT OF 15% MEASURED BY CONDITIONAL SQUARE FEET;**
- **THAT ANY COMPLETELY NEW PROJECT INCLUDE SOME RESIDENTIAL COMPONENT REGARDLESS OF HEIGHT;**
- **TO THE EXTENT (OVER 12" IN DIAMETER) TREES ARE REMOVED FOR A PROJECT, THEY BE REPLACED ONSITE OR NEARBY WITHIN THE NEIGHBORHOOD OR AN EQUIVALENT FINANCIAL COMMITMENT SHALL BE MADE AS DIRECTLY BY THE OLD AUSTIN NEIGHBORHOOD;**
- **THAT ANY PROJECT HAVE SIDEWALKS THAT ARE SIZED APPROPRIATELY IN KEEPING WITH THE PROJECT'S INTENSITY, AND WITH DUE CONSIDERATION OF THE SIDEWALKS ON NEIGHBORING PROPERTIES. IF THE PROJECT IS OVER 50-FT, THAT IT PROVIDE "GREAT STREET" SIDEWALKS ON NUECES STREET;**
- **THAT ANY NEW PROJECT SHALL, TO THE DEGREE PRACTICABLE, INCORPORATE AND SUPPORT THE GOALS OF THE OAN POLICY STATEMENT ON UP-ZONING REQUESTS.**

[C.RILEY, M.DEALEY 2ND] (8-0) M.MOORE – ABSENT**SUMMARY STAFF RECOMMENDATION:**

Staff offers an alternate recommendation of DMU-CO (Downtown mixed use) conditional overlay combining district The recommended conditional overlay will limit the vehicle trips to less than 2,000 trips per day. The recommendation is based on the following considerations.

- 1) The alternate recommendation is compatible with existing mixed uses along Nueces Street and West 10th Street and with the proposed land uses,
- 2) It is adjacent to the designated Core Downtown District as identified by the Downtown Austin Design Guidelines and in the recommended *Northwest District*,

- 3.) The Downtown Austin Design Guidelines recommend providing dense, multi-tenant, pedestrian-oriented development at street level while encouraging the densification of the downtown core,
- 4) The proposed development will not be subject to compatibility standards

DEPARTMENT COMMENTS:

The subject rezoning area consists of a 0.293 acre (12,763 08 square foot) office building fronting Nueces Street and West 10th Street zoned MF-4. The applicant proposes to rezone the property to CBD to allow for a mixed use building to include retail and offices. Access to the property is proposed from Nueces Street and West 10th Street. The alternate Staff recommendation allows for a more compatible mix of land uses under the DMU designation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-4	Offices
<i>North</i>	DMU	Offices
<i>South</i>	DMU-H / GO	Offices
<i>East</i>	DMU	Offices
<i>West</i>	GO	Offices

AREA STUDY: N/A

TIA: Waived, See Transportation comments

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

- 57--Old Austin Neighborhood
- 402--Downtown Austin Neighborhood Assn (DANA)
- 511--Austin Neighborhoods Council
- 623--City of Austin Downtown Commission
- 742--Austin Independent School District
- 744--Sentral Plus East Austin Koalition (SPEAK)
- 767--Downtown Austin Neighborhood Coalition
- 786--Home Builders Association of Greater Austin
- 998--West End Austin Alliance

SCHOOLS:

- Austin Independent School District
 - 1 Mathews Elementary School
 - 2 O Henry Middle School
 - 3 Austin High School

RELATED CASES: N/A

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-96-0050	MF-4/Go to P	04/23/96 APVD STAFF REC OF P (8-0-1)	05/23/96 APVD PC REC OF P (5-0), ALL 3 RDGS
C14-96-0141	MF-4-H to DMU-H	01/28/97 APVD DMU-H (7-0)	02/27/97 APVD PC REC OF DMU-H (7-0), ALL 3 RDGS
C14-99-0050	SF-2 to LI	05/04/99: APVD STAFF ALT REC OF LI-CO BY CONSENT (7-0)	06/03/99 APVD PC REC OF LI-CO W/CONDS (7-0) 1ST RDG 07/03/00 EXPIRED
C14-99-0082	MF-4 to DMU	07/20/99 PP TO 8-31-99 (PC) [REFERRED TO DISPUTE RESOLUTION CENTER] 08/31/99 APVD DMU-CO BY CONSENT (7-0)	09/30/99 APVD DMU-CO W/CONDS (7-0), ALL 3 RDGS
C14-99-2124	MF-4 to DMU	01/18/00 APVD GO-MU-CO (8-0), NO MORE THAN 78% OF GROSS FLOOR AREA IS TO BE NON-RESIDENTIAL, A R.C. WILL BE ACCOMPLISHED REGARDING SURFACE PARKING PROHIBITED BETWEEN WEST AVENUE & THE STRUCTURE CLOSEST TO WEST AVENUE, NO STRUCTURE OR PORTION OF STRUCTURE MAY BE LOCATED LESS THAN 15' FROM WEST AVENUE & TO PROHIBIT THE USE OF THE PROPERTY FOR BAIL BOND OFFICES (8-0)	02/17/00 APVD DMU-CO LIMITING VEHICLE TRIPS TO 2,000/DAY ON 1ST RDG (6-1 JG-NAY) 03/09/00 APVD 2ND READING (7-0) 03/23/00 APVD 3RD RDG (6-0, DS-OUT OF RM)
C14-00-2127	DMU to CBD	08/22/00 APVD STAFF REC W/COND OWNER RECONNECT HIKE/BIKE TRAIL & W/TRIP LIMIT OF 2000 TPD (8-0); SA-ABSENT	09/28/00 APVD CBD-CO W/CONDS (7-0) ALL 3 RDGS
C14-03-0085	LO to GO	06/24/03 APVD STAFF REC OF GO-MU BY CONSENT (7-0)	07/17/03 APVD GO-MU (7-0), ALL 3 RDGS

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalk	Bus Route	Bike Route
10 th Street	80'	40'	Collector	Yes	No	No
Nueces Street	80'	40'	Collector	Yes	No	Priority 1

CITY COUNCIL DATE
December 14, 2006

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Jorge E Rousselin, NPZD

PHONE: 974-2975

E-MAIL: jorge.rousselin@ci.austin.tx.us



<p>1" = 200'</p>	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR J ROUSSELIN</p>	<p>CASE #: C14-06-0118</p> <p>ADDRESS 908-910 Nueces Street at West 10th Street and 803 West 10th Street</p> <p>SUBJECT AREA (acres) 0.293</p>	<p>ZONING</p> <p>DATE 06-09</p> <p>INTLS SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>J22</p>
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STAFF RECOMMENDATION

Staff offers an alternate recommendation of DMU-CO (Downtown mixed use) conditional overlay combining district. The recommended conditional overlay will limit the vehicle trips to less than 2,000 trips per day. The recommendation is based on the following considerations:

- 1.) The alternate recommendation is compatible with existing mixed uses along Nueces Street and West 10th Street and with the proposed land uses,
- 2.) It is adjacent to the designated Core Downtown District as identified by the Downtown Austin Design Guidelines and in the recommended *Northwest District*,
- 3.) The Downtown Austin Design Guidelines recommend providing dense, multi-tenant, pedestrian-oriented development at street level while encouraging the densification of the downtown core,
- 4.) The proposed development will not be subject to compatibility standards.

BASIS FOR RECOMMENDATION

1. The proposed zoning should be consistent with the purpose statement of the district sought.

25-2-101 DOWNTOWN MIXED USE (DMU) DISTRICT DESIGNATION

Downtown mixed use (DMU) district is the designation for a use located on the periphery of an area that has a CBD designation. A DMU district designation may be applied to a development that includes any combination of office, retail, commercial, and residential uses and that is compatible with the downtown area. A DMU district use with an intermediate density may be used as a transition between the downtown area and surrounding districts. A DMU district is suitable for an area to which the central business district may expand.

The proposed rezoning meets the purpose statement set forth in the Land Development Code. The proposed mix of uses will encourage a diversity of land uses along Nueces Street and West 10th Street.

2. The proposed zoning should promote consistency, and orderly planning.

The proposed change and recommended conditional overlay is compatible with the surrounding area as it is surrounded by a mixture of land uses, intensities, and mixed zoning. The proposed land uses are compatible to the existing adjacent uses.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of a 0.293 acre (12,763.08 square foot) office building fronting Nueces Street and West 10th Street zoned MF-4. Access to the property is proposed from Nueces Street and West 10th Street. The alternate Staff recommendation allows for a more compatible mix of land uses under the DMU designation.

Transportation

1. No additional right-of-way is needed at this time.
2. The trip generation under the requested zoning is estimated to be 6,882 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning.

classification (without consideration of setbacks, environmental constraints, or other site characteristics)

- 3 A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Environmental

- 1 The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone
- 2 Impervious cover is not limited in this watershed class, therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 sf cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
- 4 According to flood plain maps, there is no flood plain within the project area.
- 5 At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands
- 6 Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment

Water and Wastewater

- 1 The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, system upgrades, offsite main extension, utility adjustments, and utility relocation. The water and wastewater utility system serving this subdivision must be in accordance with the City of Austin utility design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay all associated and applicable city fees.

Compatibility Standards

- 1 This site is not subject to compatibility standards under the provisions of 25-2-581

Rousselin, Jorge

From: Ted Siff [REDACTED]
Sent: Thursday, October 05, 2006 11:39 AM
To: Rousselin, Jorge
Cc: Mike McGinnis, Ron Thrower
Subject: 908 Nueces. C14-06-0118
Attachments: 908 Nueces CO v3.doc; OAN - Up Zoning Policy Statement v1.doc

RECEIVED

OCT 05 2006

Neighborhood Planning & Zoning

Jorge,

The attached Conditional Overlay and Policy Statement represent the Old Austin Neighborhood's position on this zoning case. I believe the contents of both of these documents are supported by the property owners and their representative. I'm copying them so they can confirm this if they choose to.

Please let me know if you have any questions.

Best, Ted

Ted Siff, President
Old Austin Neighborhood Association
604 West 11th Street
Austin, TX 78701
m 512 657.5414
[REDACTED]

10/17/2006

Old Austin Neighborhood Association

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Zoning Change Request

OCT 05 2006

Zoning Case Number: C14-06-0118
908-910 Nueces Street, Austin, Texas

Neighborhood Planning & Zoning

Old Austin Neighborhood support a zoning change at 908-910 Nueces to Downtown Mixed Use (DMU) with the following Conditional Overlay as minimum additional requirements:

Request for a Conditional Overlay

1. That any project with a height of at least 50 feet shall contain a minimum residential component of 15% measured by conditioned square feet;
2. That any completely new project include some residential component regardless of height;
3. To the extent protected (over 12" in diameter) trees are removed for a project, they be replaced onsite or nearby within the neighborhood or an equivalent financial commitment shall be made as directly by the Old Austin Neighborhood.
4. That any project have sidewalks that are sized appropriately in keeping with the project's intensity, and with due consideration of the sidewalks on neighboring properties. If the project is over 50 feet, that it provide "Great Street" sidewalks on Nueces Street.
5. That any new project shall, to the degree practicable, incorporate and support the goals of the attached **OAN Policy Statement on Up-Zoning Requests**.

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OCT 05 2006

Old Austin Neighborhood Association

Draft Policy Statement on Up-Zoning Requests **Neighborhood Planning & Zoning**
October 4, 2006

The Old Austin Neighborhood Association is gratified to see growing interest in development projects in our neighborhood. We share the whole community's interest in Downtown revitalization, and we recognize that well-done projects can bring very positive changes to our area.

We caution, however, that very careful thought must go into any significant up-zonings in this area. Much of the appeal of the Old Austin Neighborhood is in its historic character, which in some respects has remained fairly stable for well over a century. We don't expect this area to remain static, but nor do we want to see the degradation of one of the most historic and attractive neighborhoods in the city.

The Downtown Austin Neighborhood Plan process offers an opportunity to consider redevelopment within our neighborhood cohesively and collaboratively. Pending the completion of that process, we offer the following general thoughts on expectations we have regarding any significant up zonings in the Old Austin Neighborhood:

- 1. Residential character:** Significant increases in height are justifiable for this neighborhood only if they help restore a reasonable balance of uses in the area. Residential projects would serve that goal; office buildings would not.
- 2. Street-level uses:** We support the existing code requirement, applicable to CBD and DMU sites, that garage space must be separated from the street by pedestrian-oriented uses.
- 3. Visibility of garage space:** We also support placing as much parking as possible underground, or wrapping it with other uses. To the extent above-ground parking must be placed at the perimeter of a project, it should be masked so that it does not appear to be a garage.
- 4. Streetscapes:** Sidewalks should be sized appropriately in keeping with a project's intensity, and with due consideration of the sidewalks on neighboring properties.
- 5. Support for Shoal Creek Greenway:** This corridor is critical to the neighborhood, both as a linear park and as a transportation route. The neighborhood support significant capital improvements in the Greenway and is seeking partners. Its approach to the Greenway will be either an asset or a liability for every project.
- 6. Protection of historic properties:** Under no circumstances should historically significant structures be demolished or moved from their original location.

7. **Trees:** The existing tree canopy is an important part of the neighborhood's character. To the extent protected trees are removed for a project, they should be replaced onsite or nearby within the neighborhood.

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OCT 05 2006

Neighborhood Planning & Zoning

Rousselin, Jorge

From: [REDACTED]
Sent: Thursday, October 05, 2006 2:59 PM
To: [REDACTED]; Rousselin, Jorge
Cc: [REDACTED]
Subject: Re. 908 Nueces: C14-06-0118

RECEIVED

OCT 05 2006

Neighborhood Planning & Zoning

In a message dated 10/5/2006 11:40:28 AM Central Daylight Time, ted@legaldigest.com writes

Jorge,

The attached Conditional Overlay and Policy Statement represent the Old Austin Neighborhood's position on this zoning case. I believe the contents of both of these documents are supported by the property owners and their representative. I'm copying them so they can confirm this if they choose to.

Please let me know if you have any questions.

Best, Ted

Ted Siff, President
Old Austin Neighborhood Association
604 West 11th Street
Austin, TX 78701
m 512 657.5414
[REDACTED]

Yes this is our agreement. We look forward to a long and amicable relationship with our neighbors. Ron will likewise confirm this is agreeable.

Thank you for your help in this matter.

Mike McGinnis
327-7664

10/17/2006

EXHIBIT "A"

FIELD NOTES

Being Lot 5 and the east 31' of Lot 6, Block 106, of the Original City of Austin, a subdivision in Travis County, Texas, according to the map or plat of the Original City filed in the General Land Office of the State of Texas, as shown on accompanying survey plat and being more particularly described as follows: (The basis of bearings for this survey is from the plat recorded in Volume 32, Page 16, Plat Records, Travis County, Texas.)

BEGINNING at a 1/2" iron pin found in the south line of West 10th Street (80' R.O.W.), in the north line of said Lot 6, for the northwest corner of this tract, from said point, a 1/2" iron pin found in the east line of Rio Grande Street bears, N 70°50'00" W, said course constitutes directional control for this survey, 175.95'.

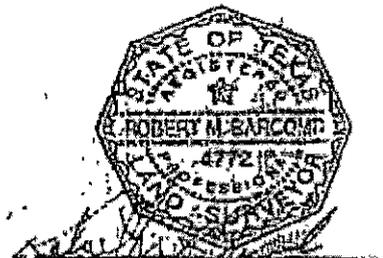
THENCE, with the south line of West 10th Street, the north line of said Lot 6 and Lot 5, and the north line of this tract, S 70°50'00" E, 100.00', to a 1/2" iron pin set in the west line of Nueces Street (80' R.O.W.), at the northeast corner of said Lot 5, for the northeast corner of this tract.

THENCE, with the west line of Nueces Street, the east line of said Lot 5, and the east line of this tract, S 19°07'36" W, 127.57', to a 1/2" iron pin set in the north line of an alley (20' R.O.W.), at the southeast corner of said Lot 5, for the southeast corner of this tract.

THENCE, with the north line of said alley, the south line of said Lot 5 and Lot 6, and the south line of this tract, N 70°47'58" W, 100.00', to a 1/2" iron pin found for the southwest corner of this tract, from said point, a 1/2" iron pin found in the east line of Rio Grande Street bears, N 70°47'58" W, 176.10'.

THENCE, through the interior of said Lot 6, with the west line of this tract, N 19°07'36" E, 127.51', to the **PLACE OF BEGINNING**.

Prepared from a survey made on the ground December 7, 2005, by:
Agricultural Professional Surveying
8906 Wall Street, Suite 302
Austin, Texas 78754
(512) 832-1232
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Robert M. Earls
R.P.L.S. No. 4772